

Mount Vernon Police Ledger

June 2008

Reasonable Suspicion and Probable Cause

What do they mean?

Article written by LT. Darren Day

Every person in this Country has the same rights when approached by a police officer and, it is best to know what your rights are. Time and time again, we hear citizens ask, “Why are officers stopping that person?” or “Why are officers arresting that person?” In order to assist you in understanding your rights; I will provide you with some of the training our officers receive on reasonable suspicion and probable cause, for detaining or arresting individuals.

There are three types of interactions an officer may have with a citizen. The first is a “consensual encounter” which does not require any type of suspicion of wrong doing. An officer may simply approach a person standing on a street corner and ask to speak with him or her. Additionally, an officer may ask anyone for identification in a consensual encounter. If that person agrees to talk with the officer or provide identification, it is voluntary on their part. During a consensual encounter, the citizen would be free to walk away from the officer and ignore his questions. Most citizens are law abiding and happy to see officers in their communities. If you have any questions about why an officer is approaching you, simply ask for an explanation.

The second type of contact involves reasonable suspicion of wrong doing and is called a Terry Stop or investigative detention. The United States Supreme Court ruled in the 1968 case of Terry v. Ohio, 392, U. S. 1, ... that “police officers must be able to take action when probable cause to arrest does not exist.” In the Terry case, a Detective with 30 years experience observed two men walking back and forth in front of a liquor store while looking inside and down the street. The officer observed the subjects for several minutes and believed they were casing the business and preparing to rob it when the time was right. Based on his suspicions, the Detective approached and stopped the two subjects. Patting them down for weapons, he recovered two firearms. Further investigation revealed his suspicions were right and the two subjects were planning to rob the business.

After the Terry case was settled by the U.S. Supreme Court, the Virginia Supreme Court visited the same issue when deciding Simmons v. Commonwealth, 231 S. E. 2D, 218, in 1977. In the Simmons case, the court stated, “The Fourth Amendment does not require police officers who lack the precise level of information necessary for probable cause to arrest to simply shrug their shoulders and allow a crime to occur or a criminal to escape. On the contrary, Terry recognizes that it may be the essence of good police work to

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Dates to Remember

May 31– South Co. Center & Mount Vernon Police Open House
June 12– SALT meeting
June 15– Father’s Day
June 21– Summer Begins
May 26 - Memorial Day

Reasonable Suspicion and Probable Cause

adopt an intermediate response. A brief stop of a suspicious individual in order to determine identity or to maintain the status quo momentarily while obtaining more information may be reasonable in light of the facts."

Once the two basic court rulings defined Terry Stops, all an officer has to do is apply these rulings using basic common sense. If you arrive home late at night and observe someone using a flashlight and peering into vehicles parked on your street, would you call the police? Of course you would. However, what crime did you observe this person commit? In fact, from what you described, that person has not committed a crime. However, most people would agree, the subject was preparing to commit a crime. Why else would he be out late at night with a flashlight looking into vehicles?



When the police officer arrives and checks the area, he would be looking for the same subject you described in your call. Once the officer found the subject, or someone matching his description, he would stop the subject based on the suspicious behavior you reported. That person would not be free to leave until the officer either confirmed or dispelled his suspicions. Based on a "reasonable suspicion" the person may have committed, may be committing or may be preparing to commit a crime, the officer has the authority to stop and detain the subject based on those suspicions. After stopping the subject, the officer may ask for identification and direct questions to determine why the subject is out looking into parked vehicles late at night with a flashlight.

Now having described the first two types of police contacts, consensual and reasonable suspicion, we move on to the third. The authority to arrest someone is based on probable cause. Probable cause is defined as "facts and circumstances which, taken together with rational inferences there from, would lead a prudent person to believe that a crime is being or has been committed and that a particular person committed it; or that evidence of a crime or contraband is in the place to be searched."

Using the same scenario, if a citizen calls in a suspicious person peering into vehicles with a flashlight, an officer would respond. If an officer observes the subject attempting to break into a vehicle, he would make an arrest based on his observations. If he did not observe an actual crime in progress, but stopped a subject matching the description, he would detain the subject while another officer checked the vehicles in the area for any signs of damage or theft.

If vehicles were broken into, the officer would determine the subject's involvement and whether he possessed any evidence or tools (flashlight, slim Jim, gloves, etc...) on his person. If these items are located, the officer would arrest based on probable cause the subject committed the offenses.

Having covered the three types of contacts combined with definitions of reasonable suspicion and probable cause, I hope you have a better understanding of how officers interact with citizens on the street. Additionally, I would like to leave you with a little reminder. The residents of this County hire officers to do many jobs. One of those jobs is to protect them from criminals who prey on them. Officers are trained to be observant of their surroundings and your communities.

You pay us to be your eyes and ears when you are away or asleep late at night.

Because we are out there looking for the "bad guys," we have many opportunities to speak with suspicious people. Given the simple example of a subject looking into vehicles at night, it is easy to see why we would stop that subject. However, we face many different scenarios each and everyday that most citizens don't consider. Our job is dangerous and unpredictable at times as we approach unknown subjects at all times of day and night. Don't be concerned if an officer approaches you seeking assistance or answers to basics questions. Most contacts take only a few minutes and end with an officer thanking you for your time. Only people committing crimes have something to fear from an officer.

Solicitor Safety Tips

- May only solicit 9:00 AM to 8:00 PM
- May not solicit where “no soliciting”, the signs are posted.
- Must provide, on request, their name, business information and what they are selling.
- Must leave the premises if asked to do so.
- May not misrepresent the nature of their business
- Must provide a receipt on request
- Must show license to any customer
- May not use their licensure as an endorsement by Fairfax County.



Fairfax County Solicitors License

Front

Back

MAJOR INCIDENTS

HOMICIDE

Furman Lane

Police responded to a call for a shot person in an apartment in the 2900 block of Furman Lane on Saturday, May 10 shortly after 11 p.m. Officers discovered a deceased man, shot in the upper body. Preliminary suspect information was a male, wearing dark-colored pants and a black, hooded sweat shirt. Detectives from the Criminal Investigation Bureau, crime scene technicians, the police helicopter and K9 units responded to the scene. The victim has been identified as 49- year-old Michael Anthony Ross, of Suitland Maryland. This is the eighth homicide in Fairfax County this year.

ASSAULT BY MOB/ARRESTS

Village Green Drive

On Saturday, May 10 around 10:30 p.m., four male teenagers assaulted a 24-year-old Alexandria-area man in the 8600 block of Village Green Drive. The suspects were confronted by the victim's friend and all fled. The victim was treated on the scene for minor injuries. The friend chased the suspects until police arrived. Two of the suspects were detained and released to their parents or guardians. Charges of assault by mob will be obtained on two Alexandria-area 14- year-olds and a 16-year-old from Lorton.

MALICIOUS WOUNDING

Richmond Highway

A 32-year-old Alexandria-area man was assaulted behind the Las Vegas Club restaurant at 6151 Richmond Highway. On Tuesday, May 13 around 8:45 p.m., the victim encountered a man he had seen before who asked him to step outside. Once outside, the man became confrontational and struck the victim with a piece of wood. The suspect fled and the victim was not seriously injured. The suspect was described as white with short, brown hair and a mustache. He was about 5 feet 10 inches tall and weighed 150 pounds. He wore a white, striped shirt and dark pants. The case is under investigation.

ATTEMPTED ROBBERY

Buckman Road/Richmond Highway

Four teenage males attempted to rob a 32-year-old Alexandria-area man on Friday, May 9. He was walking toward Richmond Highway on Buckman Road around 10:45 p.m. when the suspects approached. They asked for his money and when the victim did not comply, they assaulted him. The suspects fled with nothing and the victim was not injured. The suspects were described as Hispanic, about 16 years old. The victim could only describe one suspect in detail. He was about 5 feet 8 inches tall and weighed 160 pounds. He had long hair, a mustache and wore a gray jacket.

LAW OF THE MONTH:

Trespassing

§ 18.2-119. Trespass after having been forbidden to do so; penalties.

If any person without authority of law goes upon or remains upon the lands, buildings or premises of another, or any portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian or other person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted by such persons or by the holder of any easement or other right-of-way authorized by the instrument creating such interest to post such signs on such lands, structures, premises or portion or area thereof at a place or places where it or they may be reasonably seen, or if any person, whether he is the owner, tenant or otherwise entitled to the use of such land, building or premises, goes upon, or remains upon such land, building or premises after having been prohibited from doing so by a court of competent jurisdiction by an order issued pursuant to §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.2 through 16.1-278.6, 16.1-278.8, 16.1-278.14, 16.1-278.15, 16.1-279.1, 19.2-152.8, 19.2-152.9 or § 19.2-152.10 or an ex parte order issued pursuant to § 20-103, and after having been served with such order, he shall be guilty of a Class 1 misdemeanor. This section shall not be construed to affect in any way the provisions of §§ 18.2-132 through 18.2-136.

§ 18.2-128. Trespass upon church or school property.

A. Any person who, without the consent of some person authorized to give such consent, goes or enters upon, in the nighttime, the premises or property of any church or upon any school property for any purpose other than to attend a meeting or service held or conducted in such church or school property, shall

be guilty of a Class 3 misdemeanor.

B. It shall be unlawful for any person, whether or not a church member or student, to enter upon or remain upon any church or school property in violation of (i) any direction to vacate the property by a person authorized to give such direction or (ii) any posted notice which contains such information, posted at a place where it reasonably may be seen. Each time such person enters upon or remains on the posted premises or after such direction that person refuses to vacate such property, it shall constitute a separate offense. A violation of this subsection shall be punishable as a Class 1 misdemeanor, except that any person, other than a parent, who violates this subsection on school property with the intent to abduct a student shall be guilty of a Class 6 felony.

C. For purposes of this section: (i) "school property" includes a school bus as defined in § 46.2-100 and (ii) "church" means any place of worship and includes any educational building or community center owned or leased by a church.

**HELP REDUCE
INJURIES RESULTING
FROM CRASHES.
WEAR YOUR SAFETY
BELTS!**



Officer of the Month for April

On April 3, 2008 a citizen of the Mount Vernon District was walking to his home in the 5900 block of Monticello Road. The citizen held his head down to avoid the rain drops that were falling from the night sky. He heard footsteps approaching quickly and was suddenly attacked from behind. Three men began punching the victim in the face, knocking him to the ground. After a couple of minutes, the beating was over and the victim watched the three suspects run away with his backpack. The man picked himself up off the ground and walked toward his house to call 9-1-1. At the same time, the fleeing robbers jumped in a getaway car and sped north on North Kings Highway.



PFC Matthew Griffin was heading south on North Kings Highway when out of no where, he saw a speeding car with no headlights on. He acted quickly to execute a u-turn and caught up to the vehicle. Activating his emergency lights, he stopped the vehicle near Telegraph Road. The front seat passenger jumped out and ran away before PFC Griffin approached. Not knowing the men had just beaten and robbed someone, Griffin took command of the situation and began coordinating back-up on the police two-way radio. .

The victim had been able to call 9-1-1 by this time and dispatchers notified units of the robbery. Description of the suspects broadcast to the Mount Vernon officers, alerted PFC Griffin that the suspects he had detained matched the description of the robbery suspects. He separated the suspects, began interviewing them, and determined they were involved in the robbery. The victim was later able to positively identify the suspects, including the subject that took his backpack.

The three suspects were arrested and charged with the robbery. During the search of the car, PFC Griffin located the victim's backpack which contained his valuables and picture identification.

PFC Griffin was confronted with an unknown situation which he handled perfectly. PFC Griffin maintained his tactical presence despite the escape of one subject and did not allow the other subjects to feel they had an opportunity to get away. His expert handling of the event ultimately led to three robbery suspects being caught and put in jail. PFC Griffin continues to serve as a role model for younger officers entering this profession. He truly makes our district safer.



South County Center and Mount Vernon Police **OPEN HOUSE**



Saturday, May 31, 2008
11 a.m. – 3 p.m.



South County Center
8350 Richmond Highway
Alexandria, VA 22309



Learn more about the programs and services
available right here in your community.



Agency representatives will be on hand to discuss Senior Services, Youth Services, Employment Services, BIKE RODEO for the children and much more!

Event will be held
RAIN or SHINE

Attendees also will enjoy:

Snacks
Activities for children
Face painting
Fingerprinting
Blood Pressure Screening



To request reasonable ADA accommodations, call Maria Franco-Nativi, Dept. of Systems Management for Human Services, 703-704-6700; TTY: 703-803-7914.

Working Together

To Grow A Healthy Community

ATTENTION SENIORS You're Invited!

Juanita Balenger, from the Office of Attorney General Bob McDonnell, will be the guest speaker.

Learn about (Salt) Seniors & Law Enforcement working together.

June 12, 2008 at 7p.m.

Hollin Hall Senior Center

1500 Shenandoah Road, Alexandria



For further information, please
contact MPO Robbie Clift, 703-
360-8928

This document is available in an alternative format upon request. Please call the Fairfax County Police Department at 703-246-7562. TTY 703-204-2264. Allow seven working days for preparation of the material.

5/9/2008



Fairfax County Police Department



Mount Vernon Citizens Police Academy July 9 – August 6, 2008 South County Government Center (8350 Richmond Highway, Alexandria)

The Fairfax County Police Department is hosting a special five-week Citizens Police Academy for individuals who live or work in the Mount Vernon area of Fairfax County and are at least 18 years of age. The Citizens Police Academy is designed to provide members of the public with a unique “glimpse behind the badge.” Participants learn about the Fairfax County Police Department, including police procedures and programs available to citizens.

Classes will be held on five consecutive Wednesday nights from 6:30 p.m. to 10 p.m. Participants are encouraged to attend all five classes. **The program is offered free of charge and dinner will be provided.**

Participants will learn about:

- 911 Call Center
- Patrol
- Traffic stops
- Gangs
- Domestic Violence



For an application or more information,
please call **(703) 280-0713**

or e-mail us at

CPA@fairfaxcounty.gov

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April 2008*



Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services and activities. Reasonable accommodations will be provided upon request. For information, call Fairfax County Police Department at (703) 691-2131 or TTY (703) 204-2264.

COMMONWEALTH OF VIRGINIA
Office of the Governor

Timothy M. Kaine
Governor

FOR IMMEDIATE RELEASE
May 19, 2008

Contact: **Gordon Hickey**
Phone: **(804) 225-4260**
Cell Phone: **(804) 291-8977**
Internet: **www.governor.virginia.gov**

Brian Matt, VHDA
(804) 343-5520
(804) 652-8341
www.vhda.com

GOVERNOR KAINE ANNOUNCES MORTGAGE CLINICS TO BE HELD IN JUNE

~ Counselors will provide foreclosure prevention advice ~

RICHMOND – Governor Timothy M. Kaine today announced the schedule for a series of free regional mortgage clinics to help Virginians avoid home foreclosure. The clinics will be hosted by the Virginia Foreclosure Prevention Task Force, which was formed by Governor Kaine in November 2007 to help protect and preserve homeownership in the Commonwealth. The clinics will be held throughout the Commonwealth in June, coinciding with national Homeownership Month.

“If you have concerns about the health of your mortgage, I encourage you to sign up for one of these free mortgage clinics,” said Governor Kaine. “Whether you are just beginning to have trouble making your mortgage payments or you are already in foreclosure, our hope is that the information you receive at the clinics will help you keep your home.”

The clinics will include general foreclosure prevention information, as well as individual foreclosure counseling sessions with certified housing counselors trained in loss mitigation and foreclosure prevention. Clinics will last approximately 90 minutes, including a 30-minute general session and the free foreclosure counseling.

"These free mortgage clinics will benefit communities across Virginia," said Susan Dewey, Executive Director of the Virginia Housing Development Authority. "Attendees will learn about the importance of contacting their lender at the first sign of trouble, working with a housing counselor, knowing their foreclosure prevention options, prioritizing spending plans and avoiding foreclosure scams."

Each clinic will include a short video message from Governor Kaine outlining how the Virginia Foreclosure Prevention Task Force's actions are providing proactive assistance to distressed homeowners.

Walk-ins are welcome at the clinics, however space for the individual counseling sessions is limited and pre-registration is strongly encouraged. To register for a clinic counseling session, please visit the Virginia Foreclosure Prevention Task Force website at www.VirginiaForeclosurePrevention.com. The website also offers important foreclosure prevention tips and provides a list of Virginia certified housing counselors who can help Virginians assess their situation and offer specific suggestions.

“Don't ignore the symptoms of foreclosure,” said Dewey. “Come learn what to say when you call your lender. The sooner you act, the better your chance of saving your home.”

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The Virginia Foreclosure Prevention Task Force Mortgage Clinics are made possible by the sponsorship of Freddie Mac, VHDA, 1st Advantage Federal Credit Union, StellarOne Corp., and Primary Residential Mortgage, Inc.

The times and locations of the clinics are:

June 14, 2008

Richmond

Greater Richmond Convention Center
403 North Third Street
Richmond, Virginia
8:30 a.m. to 5:00 p.m.

Virginia Beach

Larkspur Middle School
4696 Princess Anne Road
Virginia Beach, Virginia
8:30 a.m. to 5:00 p.m.

Roanoke

Roanoke Higher Education Center
Claude Moore Education Complex
108 North Jefferson Street
Roanoke, Virginia
8:30 a.m. to 5:00 p.m.

June 21, 2008

Chantilly

Chantilly High School
4201 Stringfellow Road
Chantilly, Virginia
8:30 a.m. to 5:00 p.m.

Woodbridge

Northern Virginia Community College –
Woodbridge Campus
15200 Neabsco Mills Road
Woodbridge, Virginia
8:30 a.m. to 5:00 p.m.



**Mount Vernon Citizens
Advisory Committee**

**Fairfax County Police
Department**

Mount Vernon District Station
2511 Parkers Lane

Alexandria, Virginia 22306

Station Phone Number: 703-360-8400

Crime Prevention: 703-360-8928

Email: mtvcpo@fairfaxcounty.gov

Non-Emergency—703-691-2131

EMERGENCY—911

*Making Our Community Safer
Through Crime Prevention*

Mount Vernon Citizens Advisory Committee

Chairman - Judy Schultheis

Vice Chairman - Ginger Krup

Treasurer - Marianne Baltimore

Secretary - Mary Alvarado

Mount Vernon District Station

Station Commander - Captain Michael Kline

Assistant Commander - Lieutenant David Russell

Crime Prevention Officer - Robbie Clift

Fairfax County is committed to nondiscrimination in all county programs, services and activities. Reasonable accommodations will be provided upon request. Call 703-691-2131, TTY 703-204-2664

A Fairfax County, Va., publication

**Remember, for Non-Emergency events or reports, call
703-691-2131**

The Mount Vernon Citizens Advisory Committee's monthly meeting will be on June 10, 2008 at 7:30 p.m. at the Mount Vernon District Station.

On June 10 at 7:30 the CAC will have their end of the year cook out. To RSVP please email the CAC president Judy Schultheis at Judy.Schultheis@fairfaxcounty.gov

This will be the last meeting until September 9, 2008.

